

morrow came from high authority tonight. The understanding in administration quarters is that Mr. Lind has practically completed his preliminary negotiations with the Huerta government, and as a consequence the tension here is greatly accentuated.

Wilson Thinking of Publicity.

President Wilson has taken few persons into his confidence regarding his proposals to Huerta. It developed today, however, that he is considering the advisability of making public all the details of the negotiations at an early date, possibly as early as tomorrow. It was also whispered in administration circles that there was a possibility of the embargo on arms being lifted by this government if the Huerta regime restored President Wilson's efforts to restore peace.

The administration's peace plans may be blocked by the Constitution. Rebels leaders have let it be known that they resent the fact that they have not been officially approached about President Wilson's peace plans, and intimate that before they agree to any propositions they must be shown the same consideration as has been given to the Huerta government.

Representatives of the Constitution in Washington say that the Carranza faction will oppose any plan involving the possibility of Huerta becoming a candidate for President. This announcement followed advice from Mexico City that it was rumored there that Huerta was planning to retire.

While no official communication has been established between the Washington government and the Constitution, representatives of the latter have conveyed to the administration through unofficial channels the fact that the Carranza forces would be satisfied to have the United States lift the embargo on arms. These representatives would restore peace within sixty days if allowed the advantages now enjoyed by the Huerta government.

Want Hale Recalled.

Pressure is being brought to bear on the administration to influence the return of William Bayard Hale, a personal friend of President Wilson, to the United States. Much resentment has been shown by the Mexican press and Huerta followers at the presence of Mr. Hale in Mexico, and there is a feeling in certain quarters here that he is actually embarrassing the negotiations conducted by Mr. Lind. It is not regarded, however, as remotely possible that President Wilson will take any action, as he has persistently insisted that Mr. Hale has no official status.

Much of the difficulty confronting the administration arises from the financial entanglements into which Huerta has been led in his efforts to raise money. James Speyer, a supporter of President Wilson, who was made financial agent of the United States abroad a short time ago, is said to have advanced the money by which Huerta was able to pay his army and maintain himself soon after the overthrow of Madero. It is believed that the rate of interest on the Speyer loan was very large, as the security Huerta could give at the time was slender.

Huerta obtained money later from French bankers, for which he pledged the entire customs revenue of Mexico. Part of this money was used to pay off the Speyer loan. Even if the President were inclined to recognize Huerta, either before or after an election, it would be disadvantageous to this government by so doing to validate the Huerta pledges, which give the French bankers priority of claim on the customs revenues of Mexico and leave no apparent source of income from which the claims of American citizens, which aggregate many millions of dollars, could be paid.

FEW MEXICANS AWARE OF HUERTA'S DEMAND

Those Who Know of His Note Realize the Gravity of the Situation It Creates.

(By Cable to The Tribune.) Mexico City, Aug. 19 (Tuesday).—The general public here has not yet been informed as to the contents of Mexico's answer to the American note delivered by John Lind, but the demoralization of business here to-day showed the general belief that acute international exchanges were pending. The few persons here aware of the contents of the note realize fully the gravity of the situation. It is pointed out that if Mexico had confined herself to declining American mediation her position would have been sound at the bar of international law, but that this cannot be said for her peremptory demand for a declaration of the intention of the part of the United States to recognize the Huerta government.

BUSINESS SITUATION SERIOUS IN MEXICO

Overshadows All Other Topics in the Capital, with Exchange Rates Demoralized.

(By Cable to The Tribune.) Mexico City, Aug. 18.—The business situation here overshadows all other topics to-day. Exchange rates are demoralized, having gone up to more than 260, and even at that figure the supply of drafts is scarce.

"El Independiente" published to-day a semi-apology to Dr. Hale, President Wilson's personal friend here, saying that adverse reports concerning him emanated from enemies of the doctor in the American colony.

The government asserts that the military situation is improving and that rebel attacks are being everywhere repulsed with heavy loss to the enemy.

POLICE LIEUTENANT SERENADED

Police Lieutenant Charles Schlusener, of the 124th street station, Williamsburg, celebrated last night the twentieth anniversary of his admission to the police force. At his home, No. 124 Miller avenue, he was serenaded by a double quartet of the Ilon Society of Brooklyn, of which he is a member. More than a hundred members of the society attended the affair.

CARMODY FINDS GLENN IS INTERIM GOVERNOR

Rules Sulzer Was Suspended When Senate Was Informed of Impeachment.

ASSEMBLY WITHIN RIGHTS

Extraordinary Session or Not—Executive Claimant to Disregard Legal Opinion.

(From a Staff Correspondent of The Tribune.) Albany, Aug. 18.—Attorney General Carmody, in a formal opinion given to the Secretary of State, Mitchell May, declared to-day that the impeachment of Governor Sulzer by the Assembly was entirely legal in every step; that there could be no question raised as to the right of the Assembly to act even when convened in extra session. The Attorney General ruled that the suspension from office of the impeached Governor began when the act of impeachment was completed—that is, when the Assembly had informed the Senate of its action.

The opinion of the Attorney General, which is backed up by numerous citations, was no surprise to either the Sulzer or Glenn camps here, as it had been known that the Attorney General's office was at work on the data to support this position for the last few days.

Governor Sulzer was apprised of the gist of the opinion before it was made public, and in answer to queries said that he would disregard it, as he has done with regard to the unofficial opinions of other State Department heads.

Mr. Glenn did not want to comment upon the Carmody ruling. His friends said it would look too much like "gloating."

Holds Intent Plain.

The printed opinion, which is to be sent broadcast over the state by the anti-Sulzer forces, set forth, in part, as follows: "When the Governor is impeached by the Assembly all of his powers are automatically suspended until he has been acquitted or the impeachment proceedings dismissed by the court of impeachment. In the mean time the Lieutenant Governor acts as Governor. This is the plain intent of the constitution. Any other construction would nullify its express provision."

With reference to the authority of the Assembly to initiate impeachment proceedings, the Attorney General says: "It is my opinion that if the Assembly was not assembled, either in extraordinary or regular session, it might assemble itself and proceed to the discharge of its powers in this regard. Otherwise the Governor of the state could prevent the impeachment of himself and his friends in office for crimes, however great, after the adjournment of the regular session of the Legislature by the simple process of omitting to call the Legislature in session."

"The meaning of the word 'impeachment' is well defined," the opinion recites, "both in its popular and its legal meaning. It unquestionably means the presentation of the charge. It is so used in the Constitution itself, which provides in Section 1 of Article 6: 'The Assembly shall have the power of impeachment by a vote of a majority of all the members elected.'"

Practically similar provisions have been incorporated in all the constitutions of the states for more than a century, the Attorney General contends, and this fact has been so recognized by statute. He cites the case of David Butler, who was impeached in 1871 as Governor of Nebraska, the duties of Governor immediately devolving upon the next in line of succession, under a constitution with substantially identical provisions.

Function Judicial.

The Attorney General, in dismissing the contention that the Assembly was without authority to institute impeachment proceedings at an extraordinary session by reason of the constitutional limitation of consideration at such a session to matters specifically recommended by the Governor, finds that this argument is clearly based upon a misapprehension of the nature of the functions of the Assembly when adopting and presenting the articles. This is in no sense a legislative function; it is judicial.

Continuing, the opinion points out that "the power of the Assembly to present articles of impeachment is in no manner connected with its powers as one of the bodies of the Legislature. It is the presenting branch of the court for the trial of impeachments. It occupies the same relative position to that court as the grand jury to the Supreme Court and county courts."

Attention is called to the fact that the Constitution does not specifically provide for the assemblage of the Court of Appeals, the Supreme Court and other courts, "but jurisdiction is granted them, and their composition defined."

The Attorney General remarks, therefore, that if this lack of definiteness in the Constitution applies to the Assembly, "it can with equal force be argued that the Court of Appeals, the Supreme Court and the other courts can not exercise their functions, because the Constitution is silent in regard to the method of convening these tribunals."

"That it is not necessary that the Senate be in regular session in order to try an impeachment in conjunction with other members of the court," says the opinion, "has been recognized since the earliest times."

Peril of Dictatorship.

For these reasons the Attorney General concludes that the Assembly would be entirely within its rights to initiate impeachment proceedings, even though it might have to assemble itself for that purpose. Otherwise, "if no impeaching body can be assembled, no action whatever can be taken against the Governor, and ample time might even be accorded to an unscrupulous and ambitious incumbent of the office to entirely overthrow our form of government and assume powers of dictatorship during the time afforded, between adjournment of one session of the Legislature and the assembling of the next, if he cannot be reached by impeachment."

It would be a monstrous proposition indeed to assert that during a very large portion of the year there is in our organic law no adequate provision to protect the state from acts of misgovernment, malfeasance and corruption on the part of its officers, no matter how vicious such acts might be.

"The fact that there is no statute directing the method of convening the Assembly cannot deprive it of the jurisdiction which the organic law vested in it."

WILSON HOLDS ALOOF FROM NEW YORK FIGHT

Won't Interfere in Governorship Row Unless Republican Government Is Involved.

QUOTES HIGH COURT RULING

Refers to Supreme Bench Decision That Federal Courts Follow State Court Findings in Such Cases.

(From The Tribune Bureau.) Washington, Aug. 18.—The President made it clear to-day that he had no intention of interfering in the New York Governorship situation, on the ground that the federal authorities could step in only when the maintenance of a republican form of government was involved. It was apparent that the President had given the subject some consideration, for he quoted a Supreme Court decision, rendered in January, 1849, affecting the State of Rhode Island, as supporting his view.

This decision, which was written by Chief Justice Taney, held that it was the duty of the federal government to maintain a republican form of government as guaranteed by the Constitution. Rhode Island had been operating up to 1841 under an obsolete charter which provided that land owners only could vote. At a convention in 1842 a constitution was adopted giving the right of suffrage to all.

Samuel W. King was the charter candidate for Governor and Thomas W. Dorr the suffrage candidate, following the adoption of this constitution. Both claimed to have been elected, but King refused to recognize the validity of the constitution. Dorr and King were both inaugurated, and after the former had tried to seize the state arsenal King proclaimed martial law. Failing to receive federal support, Dorr fled, but was captured and sentenced to life imprisonment for high treason.

Attitude of Federal Courts.

Martin Luther, whose house had been entered by the followers of Dorr, brought suit to determine the status of the government of the state. The syllabus of the decision points out that the federal courts adopt and follow decisions of state courts where questions concerning the constitution and laws of the state are involved. This syllabus in the case of Martin Luther against Luther M. Borden follows:

"At the period of the American Revolution Rhode Island did not, like the other states, adopt a new constitution, but continued the form of government established by the charter of Charles II, making only such alterations, by acts of the Legislature, as were necessary to adapt it to their condition and rights as an independent state. But no mode of proceeding was pointed out by which amendments might be made."

"In 1841 a portion of the people held meetings and formed associations, which resulted in the election of a convention to form a new constitution, to be submitted to the people for their adoption or rejection. This convention framed a constitution, directed a vote to be taken upon it, declared afterward that it had been adopted and ratified by a majority of the people of the state, and was the paramount law and constitution of Rhode Island."

"Under the elections were held for Governor, members of the Legislature and other officers, who assembled together in May, 1842, and proceeded to organize the new government."

"But the charter government did not acquiesce in these provisions. On the contrary, it passed stringent laws, and finally passed an act declaring the state under martial law."

Charter Government Upheld.

"In May, 1842, a new constitution, which had been framed by a convention called together by the charter government, went into operation, and has continued ever since."

"The courts of Rhode Island have decided in favor of the validity of the charter government, and the courts of the United States adopt and follow the decisions of the state courts in questions which concern merely the constitution and laws of the state."

"The question whether or not a majority of those persons entitled to suffrage voted to adopt a constitution cannot be settled in a judicial proceeding."

"The Constitution of the United States has treated the subject as political in its nature, and placed the power of recognizing a state government in the hands of Congress. Under the existing legislation of Congress, the exercise of this power by courts would be entirely inconsistent with that legislation."

"The President of the United States is vested with certain power by an act of Congress, and in the case here exercised that power by recognizing the charter government."

"Although no state could establish a permanent military government, yet it may use its military power to put down an armed insurrection, too strong to be controlled by the civil authority. The state must determine for itself what degree of force the crisis demands."

"After martial law was declared an officer might lawfully arrest any one who he had reasonable grounds to believe was engaged in the insurrection, or order a house to be forcibly entered. But no more force can be used than is necessary to accomplish the object; and if the power is exercised for the purpose of oppression, or any injury wilfully done to person or property, the party by whom, or by whose order, it is committed would undoubtedly be answerable."

There is nothing now pending before the federal government which would involve the recognition of either of the claimants in New York.

FROM CHURCH TO HOSPITAL

Man, Scantly Clad, Found Kneeling Before Altar.

Aroused by moans in the Broadway Tabernacle, 5th street and Broadway, William Fearn, the sexton, early this morning discovered Rudolph Smith, thirty years old, of No. 322 West 53d street, scantily attired, kneeling at the altar. Smith was taken to Bellevue Hospital for observation.

A general alarm had been sent out Monday night by request of his nurse, who reported to the police of the West 53d street station that Smith had eluded her about seven o'clock. Two days ago he had been picked up at 50th street and Ninth avenue and taken to the West 4th street police station for acting queerly.

William Moseley, who said he was the man's room mate, told the police that Smith had been acting strangely for the last week and had been in the care of a physician for several days.

LEVY SAYS SULZER "HASN'T A CHANCE"

Frawley Evidence and a Great Deal More To Be Used, He Asserts.

UNLIKELY TO CALL WIFE

Incidentally, the Governor Is Charged with Sending Her "Confession" Direct to Assembly.

"If you knew what I know, you would realize that Sulzer hasn't got a chance," declared Assemblyman Aaron J. Levy, head of the board of managers of the impeachment proceedings against Mr. Sulzer, commenting here yesterday on further evidence that he says will come out on the trial of the case.

Assemblyman Levy yesterday sent the following telegram to each member of the board: "A meeting of the board of managers appointed to conduct the impeachment proceedings against William Sulzer, Governor, will be held at my office, Room 235, Capitol, Albany, Tuesday, August 19, at noon. It is important that you attend."

Mr. Levy said that at this meeting the question would be taken up as to whether the board should retain special counsel. Undoubtedly Eugene Lamb Richards, counsel for the Frawley investigating committee, will be one of the lawyers, but he feels that as the work of the Frawley committee is not finished he cannot assume the entire burden of the impeachment work.

Further plans will be made for the procedure of the impeachment trial. "Unquestionably," said Mr. Levy, "all the evidence against Sulzer gathered by the Frawley committee will be used, and there will be a great deal more."

Senator Palmer originally did not give out the story that Mrs. Sulzer had signed those checks and speculated in the name of her husband," said Assemblyman Levy. "It came direct from the Capitol. Mr. Sulzer sent Judge Lynn to the floor of the Assembly to make that statement. I do not believe that Mrs. Sulzer ever originated it."

In that connection a story has been current that Governor Sulzer in a 3,000-word statement he had prepared the Sunday night before impeachment threw the entire blame for the Wall Street speculations on Mrs. Sulzer, and that members of his counsel threatened to resign if it were made public.

In the opinion of Assemblyman Levy neither Mr. Sulzer nor his wife will be a witness at the impeachment trial. There is no desire on the part of the members of the Legislature to start criminal proceedings against Mr. Sulzer, but if they decide that it is necessary they could deal directly with the grand jury, it is said.

The Frawley investigating committee will ask the Legislature to-day for the punishment for contempt of Louis Sarecky, Mr. Sulzer's confidential clerk, and of Frederick H. Colwell, who was Sulzer's alleged agent in the Wall Street transactions, because of their refusal to testify. They will also ask that James G. Garrison, one of the Sulzer agents, be brought to task for circulating reports that attempts were made to bribe certain members of the Assembly to vote for the impeachment of the Governor.

WHOLESALE CORRUPTION, ALLEGES HENNESSY

Graft Trail Will Run Into Banks and Out Again, Says Sulzer Investigator.

Albany, Aug. 18.—Wholesale allegations of corruption and graft, not only in the construction of state highways, but in many state departments, are contained in a formal statement issued to-night from the executive chamber by John A. Hennessy, special departmental investigator appointed by Governor Sulzer.

"The trail of graft," Mr. Hennessy declares, "will run from the Controller's office into the banks and out again. The misuse of the Excise Department will leave, when exposed, a trail of shame and blacken some of the men now loudly crying for the life of the Governor."

"When the story of the canal system is told," the statement continues, "the highway thefts won't look so big. When the State Election Department is fully investigated the people will stand aghast in contemplation of the men selected to give them pure elections."

"In my commission from Governor Sulzer I have gone into the departments named just enough to cut the surface. I have looked the money to sink the probe, but as I began the work the 'system' soon took notice. A complete detective service trailed me and several volunteer workers. I shall not now recite the obstacles, but will say that the grafters never go to sleep at the switch. Last something might be overlooked they shadowed my wife and my daughters."

"In more than forty roads examined in twenty-two counties," Mr. Hennessy asserts, "we found only three that pass muster and only one that is clean all the way."

Mr. Hennessy predicts that "the good roads of the state built in the last four years will need, within three or four months at least \$3,000,000 for repairs."

"The men put upon the roads by the Democratic state administration last year," the statement continues, "were more than two-thirds O. K.'d by Thomas P. Smith for Tammany; by John H. McCade, by Fitzpatrick, of Buffalo, and by Kelley, of Syracuse. Some of them were barbers, some of them were liquor dealers, some of them had no known vocation."

"The remainder were appointed by members of the state committee in their respective districts. They were ward heelers pure and simple. These men named to watch contractors were largely nominated in the first place by the contractors. The statement continues, 'were seldom rarely saw the roads, but cheerfully signed vouchers every month upon which bills were paid. They certified to the arrival of material that never was delivered.'"

HARBURGER AFTER THAW

Thinks His 2,000 Deputies Are Likely to Catch Him.

Sheriff Harburger asked the newspapers last night to notify his 2,000 special deputies sheriffs to be on the lookout for Thaw.

The Sheriff said that while he did not expect Thaw to come within his jurisdiction, this was a time of the year when his special deputies are scattered all over the country on vacation, and it was just as likely as not that one of these might come across the fugitive or learn of his whereabouts. In such a contingency the orders of the Sheriff to his subordinates are to notify at once the local authorities where the discovery is made.

SULZER TO STUMP AS MURPHY VICTIM

Continued from first page.

Frawley had made no secret of the fact that he had called. He indicated, however, that when the time came for him to speak up in public he would announce the name of every man who "tried to bargain for Tammany."

Governor Sulzer's lawyers, it is understood, are making every possible effort to dissuade him from even entertaining the idea of taking the stump and making a speaking tour of the state, but the Governor is reported to have told them that he has no chance in this Legislature, and that his only chance is to go before the people direct.

Sulzer's friends pointed out to him to-day, when he indicated his intention of taking this story to the people of the state through a platform tour, that Tammany would ridicule it as a direct contradiction of previous statements that have been allowed to go uncontradicted.

He was told that Tammany had seized first upon the point that the Tammany men who had called upon him made the explanation that they were calling at Sulzer's behest, and that it was the Governor, and not Tammany, that was "begging for mercy."

In addition, the Governor was informed that while it was part of his legitimate attack and defense to cast all possible suspicion upon and impugn the motives of Tammany, he should concentrate his efforts on the problem of putting forth an actual refutation of the charge that he had taken his campaign contribution checks to Wall Street.

The Governor is considering all these points, as well as his lawyers' hostility toward any public speaking tour idea, but he believes now that some such "appeal to the people" is his best chance.

He holds Session by Himself. Sulzer scored in the Governorship contest to-day when he went ahead with a meeting of the Trustees of Public Buildings at 4 o'clock this afternoon, even though there was no Lieutenant Governor or Speaker of the Assembly present. Those two officials with the Governor make up the Board of Trustees of Public Buildings, of which the secretary to the Governor is secretary.

Of course, Chester C. Platt, the Governor's secretary, was present, and Sulzer, advised that the secretary could open bids without a quorum of the board present, directed Platt to sit upon the official envelopes.

The bids were brought in by representatives of the different contracting companies who were interested, and it was noticed that these representatives kept their eyes glued to the certified checks throughout the brief proceedings.

"We don't care to have those checks for \$10,000 and upward kicking around between two Governors," one of the contractors explained afterward, "and we will all be satisfied if they'll just leave them in the hands of the State Architect. There's just one of him."

Glynn performed an official act which kept him even on the day's score, when he signed extradition papers for Chief of Police "Dan" Flynn of Pittsfield, Mass., who brought a request from Governor Foss for one Norman Foot, alias Earl La Fontaine, wanted in Pittsfield on a charge of grand larceny.

Glynn likewise scored when he began what appears to be a prospective daily audience with the newspaper correspondents at 4 o'clock this afternoon. Sulzer used to meet the reporters at that time, but since his impeachment he has discontinued the custom. Glynn took it to-day, and while he did not seem to enjoy it to any great extent the indications were that it would be a daily performance.

Shortly after the "meeting" of the Trustees of Public Buildings in the executive chamber Glynn met the reporters in the Lieutenant Governor's room.

Glynn Seeks Advice. "I took up with Deputy Attorney General Kellogg the matter of the meeting of the Board of Trustees of Public Buildings," said Mr. Glynn, "and he advised me that the bids for the Capitol reconstruction work could be opened by the secretary of the board without the necessity of a quorum meeting. The secretary is the custodian of unopened bids, and Mr. Kellogg advised me that when opened the bids must be turned over to the State Architect to be tabulated."

BALKED BY ALBANY MIX-UP West Virginia Deputies Leave Prisoner Behind Them. Disgusted with being passed from one official to another without getting any nearer the end of their mission, the two deputy sheriffs from West Virginia who came to New York to get James Malloy have gone home. Malloy, who is wanted in the Southern state on a charge of larceny, was remanded yesterday to the Harlem prison for thirty days to await West Virginia's action.

The prisoner was arraigned for the tenth time in the Magdon Court yesterday before Magistrate House. Malloy's identity had been questioned in court by his counsel, but at yesterday's hearing the prisoner admitted that he was the man wanted in West Virginia and that he was in that state at the time the crime was committed.

Assured on this point, Magistrate House instructed the deputies to apply to the warden of the City Prison for Malloy. Then it developed that the two deputy sheriffs, David Bartles and D. B. Gardner, had left New York Saturday night. Detective Quaine, of the East 104th street station, told court that the two deputies before leaving the city had made several uncomplimentary remarks on the evasiveness of New York officials and on the situation at Albany that had brought about such conditions.

GOVERNORS RECOGNIZE SULZER. Madison, Wis., Aug. 18.—The Governors' Conference, to be held in Colorado Springs, Colo., on August 25, will recognize Governor Sulzer of New York, according to Miles Riley, secretary of the conference. Mr. Riley said to-day that an invitation had been sent to Governor Sulzer and none to Lieutenant Governor Glynn.

RILEY DIPLOMATIC IN REPORT ON THAW CASE

Prison Superintendent Sends Telegrams to Both Claimants of Governorship.

HAS TALK WITH SULZER

Extradition of Woman Who Escaped from Matteawan Said to Furnish Precedent in Present Affair.

(From a Staff Correspondent of The Tribune.) Albany, Aug. 18.—Governor Sulzer and acting Governor Glynn both received reports to-day from John B. Riley, Superintendent of Prisons, and Dr. Raymond F. C. Kiehl, the head of Matteawan, on the Thaw case. Riley diplomatically addressed his telegrams to each man in practically the same language, and dodged committing himself by calling either one "Governor" or "Hon. William Sulzer."

"Hon. Martin H. Glynn"—that was the way Riley got around the troublesome question, and he gained the blue ribbon for "artful dodging."

"Superintendent Kiehl reports that Attendant Barnum opened gate in yard where Thaw was allowed to exercise at 7:45 this morning," Riley's telegram read. "Two automobiles were waiting. Barnum was immediately arrested. All towns in Western Connecticut notified. Five hundred dollars reward offered for capture. Bureau detectives employed. Dougherty notified. Automobiles traced fifteen miles toward Connecticut line. Thaw in private conference with counsel Friday, by order of Judge Jenks."

Mr. Riley came to his office here to-day, conferred with Sulzer and later went to Matteawan to make a personal investigation. He made a brief statement, outlining his views as follows: "Thaw will, if possible, be brought back to Matteawan. The men engaged in the conspiracy to effect his escape will, if possible, be located and prosecuted."

"A thorough investigation is being made and it is believed their identity can be established. Whether the guard, Barnum, was in the plot I am unable to say. While there have been many many cases from Matteawan, this is the only instance in which an inmate ever even tried to escape through the gate. Barnum's case will be thoroughly investigated. Thaw's escape could not have occurred except through his connivance or carelessness."

Governor Sulzer phoned me yesterday regarding the matter and to-day, personally, requested that a thorough investigation of the whole matter be made."

Mr. Riley's report to Governor Sulzer and acting Governor Glynn was: "An appeal was taken by the Attorney General from the order issued by Justice Tompkins permitting Thaw to see his counsel, and Dr. Leak, the then acting superintendent of Matteawan State Hospital, was advised by that official that the taking of the appeal suspended the operation of the order. Thereafter an application was made ex parte by the attorneys for Thaw to Justice Jenks, presiding justice of the Appellate Division, second department, who granted an order to show cause why the order of Justice Tompkins should not be operative pending the appeal, and in the order to show cause made a direction to the effect that until the motion was heard and determined the order permitting access and private conferences by Thaw with his attorneys should be operative."

"The appeal from Justice Tompkins' order and the motion to permit access pending the determination of the appeal were both heard at the June term of the Appellate Division, second department, and have not yet been decided."

"The effect of the granting of the order by Justice Tompkins and the subsequent order of Justice Jenks making that order operative while the appeal from it remained undetermined, and the subsequent omission to decide the case, have given Thaw's attorneys an opportunity to visit him as provided in the order."

The Attorney General's office took no steps to-day looking toward legal action to extradite Thaw from whatever state he is apprehended in, and confined its activities entirely to the matter of Thaw's privilege of private conferences with his lawyers.

In a statement issued from the Attorney General's office attention was called to the fact that Thaw's lawyers were permitted by a court order, from which the state had appealed, to confer with him in private one day a week for two hours.

Records of the State Hospital Commission disclosed to-day that Matteawan has furnished a precedent for the extradition of one of its escaped inmates, in the case of Miss Ottilie Schneider, who escaped from the institution on November 30, 1911, and was brought back from Sharon, Penn., on extradition papers, requisitioned by Governor Dix.

Governor Sulzer's instructions or directions to Superintendent Riley were not made public, but it was learned that Riley's hasty departure after his talk with Sulzer was occasioned by the fact that the Governor intimated to him that Thaw must be found and brought back, and that any corruption of the officials or servants of the institution must be uncovered.

EXTRADITE, SAYS JUDGE Penn. Law Permits Thaw To Be Returned, He Asserts. (By Telegram to The Tribune.) Harrisburg, Penn., Aug. 18.—President Judge George Kunkel, of the Dauphin County Court, is of the opinion that extradition of Harry K. Thaw from Pennsylvania, if he comes here, will be a simple matter. Kunkel takes the view that Thaw, regardless of acquittal of White's murder, was under the jurisdiction of the court while in Matteawan, and, having escaped from that jurisdiction, can be returned to New York in the custody of an officer of the court.

"Thaw was committed by the court," Judge Kunkel said, "and is in the hands of the court until he is legally dismissed from the institution. Even though the statutes of New York may seem to deny this, a court surely has the right to go anywhere and get persons under its control."

Earlier in the day, before Judge Kunkel raised this point, officials of the State Department said they doubted if extradition of Thaw was possible. The question of extradition of a lunatic seems never to have reached a Pennsylvania Governor.

CAREER AS KILLER AT END, SAYS DR. FLINT

Alienist, Against Whom Madman Holds Grudge, Doesn't Fear Vengeance.

TOO CRAFTY TO COME HERE

Physician Does Not Believe